

TEXAS STATE BOARD OF PODIATRY EXAMINERS

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PODIATRY EXAMINERS

VS.

ROY L. BERNSTEIN

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Duly in Session at the
Marriott Hotel in
Dallas, Texas

ORDER

On this the 27th day of February, 1978, came on to be heard before the Texas State Board of Podiatry Examiners, duly in session, a certain complaint filed with the Board on the 27th day of December, 1977, in which it was complained that Roy L. Bernstein was found guilty and was convicted of the offense of making a false statement in an application for a benefit and payment under the Social Security Act, in violation of Title 42, United States Code, Section 1395nn(a)(1), in violation of Article 4570(d)(2), Vernon's Civil Statutes, which offense was a misdemeanor involving moral turpitude, such violation and conviction being grounds for the cancellation, revocation or suspension of the license to practice podiatry in the State of Texas by Roy L. Bernstein, D.P.M., and the said Roy L. Bernstein having been duly cited to appear and answer herein and the said Roy L. Bernstein, D.P.M., having appeared in person and through his attorney, Mike Aranson, 600 Jackson Street, Dallas, Texas 75202, and the charges having been read and the respondent Bernstein having acknowledged the truth of the foregoing conviction but denying that it involved moral turpitude, and the evidence of the said complaint and charges having been presented to the Board, the Board made the following findings:

1. On November 23, 1977, in Cause No. CR3-77-246, then pending in the United States District Court for the Northern District of Texas at Dallas, Roy L. Bernstein was found guilty and was convicted of the offense of making a false statement in an application for a benefit and payment under the Social Security Act, in violation of Title 42, United States Code, Section 1395nn(a)(1), and was fined the sum of \$10,000.00 and placed on probation for a period of five (5) years.

2. That on November 23, 1977, Roy L. Bernstein was then and is now a duly licensed Doctor of Podiatry Medicine in the State of Texas.

By reason of the foregoing act, the Board finds that the allegations set forth in the complaint are true in that respondent Bernstein was convicted of a misdemeanor involving moral turpitude in violation of Article 4570(d)(2), Vernon's Civil Statutes.

It is accordingly ORDERED, ADJUDGED AND DECREED that the license to practice podiatry medicine in the State of Texas, heretofore held by Roy L. Bernstein, D.P.M., is suspended for a time of five (5) years from and after March 15, 1978, provided the execution of this order and suspension be and is hereby stayed and the respondent is placed on probation for a period of five (5) years upon the following terms and conditions:

1. That respondent shall not under any circumstances violate any federal and/or state controlled substances law or dangerous drug law.

2. That respondent shall not violate any provision of Article 4567, et seq., Revised Civil Statutes of Texas, 1925, as amended, and shall not be found guilty of violating any laws of the grade of felony, or any misdemeanor involving moral turpitude, of this state or of any other state or of the United States.

3. That respondent shall not be found guilty of habits of intemperance in the use of alcohol and/or habit-forming drugs.

Upon full compliance with the terms and conditions set forth herein, and upon the expiration of the time of probation, the said license of Roy L. Bernstein, D.P.M., shall have full privileges, free and clear of the terms of the probationary period herein imposed; however, in the event Roy L. Bernstein, D.P.M., violates or fails to comply with any of the terms or conditions of this order during said period of probation, the Board, upon receipt by it of said evidence thereof, may, after notice and hearing, immediately and forthwith terminate said probation, cancel and revoke said stay of execution and direct that the order of revocation of his podiatry license herein may immediately become effective and such license be suspended for the full term of five (5) years from and after said date.

RENDERED AND ENTERED this 27th day of February, 1978, to be effective the 15th day of March, 1978, from which date time for filing appeal from this order shall run.


TERRY YODER, D.P.M., PRESIDENT
TEXAS STATE BOARD OF PODIATRY
EXAMINERS


J. C. LITTRELL, SECRETARY